

Movius, David

From: Yanchar, Georgia <GYanchar@Calfee.com>
Sent: Thursday, May 30, 2013 2:47 PM
To: 'McLandrich, John'; Movius, David
Cc: McMullen, Dan; Nash, Julie
Subject: RE: Regarding: MRI Software, LLC v. Lynx Systems, Inc. (Claim No. T4-000341) (File #: 120121)
Attachments: pdf of Response to Third Set of Document Requests (02014685).pdf

Dear John,

In view of your May 9 email (below), indicating you would glad to extend MRI's response date provided Lynx is not prejudiced by the running of the discovery cutoff, we were surprised to received your message yesterday. In any event, MRI's responses to Lynx's third set of document requests are attached. I will provide MRI's responses to Lynx's interrogatories as soon as possible, and in no event, later than June 11.

Regards,

Georgia

Georgia E. Yanchar

Attorney At Law
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From: McLandrich, John [mailto:JTM@MRRLAW.com]
Sent: Wednesday, May 29, 2013 10:36 AM
To: Yanchar, Georgia; McMullen, Dan
Cc: 'Movius, David'
Subject: RE: Regarding: MRI Software, LLC v. Lynx Systems, Inc. (Claim No. T4-000341) (File #: 120121)

Georgia: My clients will not authorize any extension for MRI's discovery responses. Please advise as to when we will receive your responses.

Sincerely, John

John T. McLandrich
Direct: (440) 287-8298
jtm@mrrlaw.com

Mazanec, Raskin & Ryder Co., LPA
attorneys and counsellors at law



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From: Yanchar, Georgia [<mailto:GYanchar@Calfree.com>]
Sent: Thursday, May 23, 2013 4:30 PM
To: McLandrich, John; McMullen, Dan
Cc: 'Movius, David'
Subject: RE: Regarding: MRI Software, LLC v. Lynx Systems, Inc. (Claim No. T4-000341) (File #: 120121)

John,

Please confirm you have no objection to receiving our responses to Lynx' discovery requests on June 11. I expect at that time we will be able to provide responsive documents, in addition to our written responses.

Regards,

Georgia

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From: McLandrich, John [<mailto:JTM@MRRLAW.com>]

Sent: Thursday, May 09, 2013 11:22 AM

To: Yanchar, Georgia; McMullen, Dan

Cc: 'Movius, David'

Subject: RE: Regarding: MRI Software, LLC v. Lynx Systems, Inc. (Claim No. T4-000341) (File #: 120121)

Dear Georgia: We would agree to produce the previously noticed witnesses within 60 days, to produce any missing PSOs and PSAs referenced on Exhibit 4 that we can find within 30 days from agreement, to produce the emails we already have in our possession within 30 days from agreement, to work to identify the remaining responsive emails and produce them as expeditiously as possible, (I don't know that they could also be produced within the 30 days, but will try to do so), in exchange for MRI agreeing to not to oppose our requested extension of discovery and the remaining case management dates. With respect to a two week extension to respond to Lynx's outstanding discovery we are fine with that provided our discovery cut off is extended by the court. We would be glad to extend the accommodation provided we are not prejudiced by the running of the cutoff. If there is another way to address this I am happy to discuss it with you.

Sincerely, John

John T. McLandrich

Direct: (440) 287-8298

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From: Yanchar, Georgia [<mailto:GYanchar@Calfree.com>]

Sent: Tuesday, May 07, 2013 4:49 PM

To: McLandrich, John; McMullen, Dan

Cc: 'Movius, David'

Subject: RE: Regarding: MRI Software, LLC v. Lynx Systems, Inc. (Claim No. T4-000341) (File #: 120121)

Dear John,

Thanks for your message. As we discussed this morning, we believe Lynx's filing yesterday contains a number of material mischaracterizations. For example, we have repeatedly told Lynx our witnesses are available for deposition on the dates Lynx requested, and I confirmed that that remained the case when we spoke last Thursday. Yet, Lynx inexplicably failed to serve any deposition notices, then told the Court Lynx needs more time to take depositions. In addition, Lynx's filing yesterday suggests MRI refused to negotiate search terms for Lynx's email when in fact, despite MRI's repeated requests, Lynx failed to provide any proposed search terms or other parameters that might help to mitigate Lynx's discovery burden. In addition, Lynx's filing suggests MRI failed to respond to Lynx's discovery requests, when in fact, Lynx failed to bring any specific alleged deficiency to MRI's attention until 40 minutes before its filing yesterday. Stripped of its mischaracterizations, Lynx's filing provides no basis for permitting Lynx additional time to complete discovery.

Also, MRI's motion did not seek an extension of 60 days from the current deadline but rather, 60 days from the date Lynx cures the discovery issues set forth in MRI's April 15 Notice.

Nonetheless, to limit the issues requiring the Court's attention, MRI would agree not to oppose Lynx's request for a 60-day extension of time to complete discovery (and corresponding extensions of the subsequent case deadlines) if Lynx would agree to provide the missing PSOs and PSAs described in MRI's April 15 Notice, and the documents responsive to RFP 17 (e.g., email) by a date certain within the next 30 days; and make available for deposition (in either Cleveland or Toronto) the deponents whose depositions have been noticed by MRI by a date certain thereafter, within the next 60 days.

Separately, as I mentioned this morning, we request an additional two weeks to respond to Lynx's Third Set of Discovery Requests. In view of MRI's past courtesy in not objecting to Lynx's belated service of its responses to MRI's Fourth Set of Interrogatory and Document Requests, we trust Lynx will agree to this request.

Please advise as to the foregoing at your earliest opportunity.

Regards,

Georgia

Georgia E. Yanchar

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recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this electronic mail transmission is strictly prohibited. If you have received this transmission in error, please notify me by telephone immediately.

From: McLandrich, John [<mailto:JTM@MRRLAW.com>]

Sent: Tuesday, May 07, 2013 11:04 AM

To: McMullen, Dan; Yanchar, Georgia

Cc: Movius, David

Subject: Regarding: MRI Software, LLC v. Lynx Systems, Inc. (Claim No. T4-000341) (File #: 120121)

Dan and Georgia: While I cannot agree to join Don as a party, I would be willing to agree to extend discovery for both parties by 60 days and to grant MRI an additional two weeks to respond Lynx outstanding discovery requests. Please let me know if you are agreeable to this as soon as possible. Thank you.

Sincerely, John

John T. McLandrich

Direct: (440) 287-8298

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